An Important Case on Trial Before Judge Bartch.

VALUABLE REAL ESTATE.

John M. Young's Property Sold Under Execution to A. T. Schroeder.

The Plaintiff Alleges It Is Worth \$40,000 -The Referee's Decree in the Smith Divorce Case Not Yet Confirmed

Schroeder et al. was taken up before Judge Barteh yesterday and is perhaps prior to his arrest, the most important case upon the equity calendar. The action is brought by the plaintiff praying the court to cancel cer-tain deeds executed by the United States marshal to the defendants, pursuant to a sale under execution to satisfy a judgment

First-The unconscionable inadequacy of the price for which the property was sold, it being claimed that it was worth not less than \$49,000, while it was sold for less than \$2,000, coupled with certain

not less than \$2,000, coupled with certain alleged irregularities to wit: That the property was purchased at the several sales mentioned by the decorts, while at the same time they very for the parties in whose farments and bear render.

Second—It is alleged at the majers of sale were insufficient, in that and notices of sale were relative to the interest ... the property as held by the said John M. Young Third—That the said plaintiff held all of that portion of ict 2, block TO, plat A, as sold under the several executions issued on the judgment of Clark, Eldredge & Co., as a benant in connection with his sister, and that the several sales, instead of disposing of his undivided interest in the whole, undertook to sell his entire interest in a specific portion of the whole; that he was ignorant of the time when the period of redemption would expire, until after the defendants had obtained the marshal's deeds, and thereupon he tendered to them all sums of money paid out by them on the property, with interest, together with a liberal compensation for the trouble which they had been put to, and \$1,000 extra, which offer was refused.

Mr. Young then alleges that after the the condered to them all sums of money paid out by them on the property, with interest, together with a liberal compensation for the trouble which they had been put to, and \$1,000 extra, which offer was refused.

Mr. Young then alleges that after the conditions and other short orders in the Third district court to-day.

Judge Zane will give his attention to motions and other short orders in the defendants and while he was still ignorant of the fact, he informed them that he intended to redeem a portion of the property from a tax sale made in 1830, and later informed tham that he had done so, but at the same time they concealed from him the fact that they claimed the aroperty under a legal title.

Upon these grounds the plaintiff asks that the deeds from the marshal to the defendants be canceled and the property re-conveyed to him. The suit was originally brought against A. T. Schroeder and Frank B. Stephens, but some time ago the latter compromised with the plaintiff and the suit was dismissed as to him, leaving Mr. Schroeder to fight it

cases; same. Theodore Brough vs. T. W. Bates;

game.
C. H. Miller vs. P. E. Conner; same.
George W. Young vs. J. H. Daming,
Summit county election case; defendants
motion for a new trial overruled.

George M. Scott et al. vs. Henry Denhalter et al.; default set aside and defendant Denhalter given leave to answer. Schlitz Brewing company vs. C. J. Schmidt; demurrer to answer and cross-complaint sustained and ten days to

## A REFEREE'S AUTHORITY.

The Divorce Case of Smith vs. Smith Not Yet Settled.

On Jan. 12 Judge Anderson, as referee. granted a decree of divorce and made a division of property in the case of Eliza J. Smith vs. Samuel B. Smith, but according to Judge Zane's ruling yesterday the referee in a divorce case has no right to render a judgment. When the case was referred to Judge Anderson he was sutherized to hear and pass upon the motion for temporary alimony, costs and attorney's fees in the same manuer as the court, and to make orders thereon and report to the court for its adoption and confirmation; also to prepare inding and upon the final trial of the case, and to report the decree thereon for the confirmation or final action of the

court. It was also provided that the referee was to have the same right to pass upon all questions relating to amendments of pleadings and questions of evidence as the court itself. Acting upon this authority, Judge Anderson heard the case and rendered his judgment thereon, but when Attorney Kahn asked yesterday morning to have the report confirmed, Judge Zane informed him that the referee had no right to enter a decree, and that the testimony should be submitted to the court for its action. His honor was then informed that the testimony was not taken down, and in reply stated that Judge Anderson might file his notes, together with his findings, and that the court would then render judgment as he deemed just.

A DISAPPOINTED OFFICER.

Why an Execution Against Harvey Hardy

is Still Unsatisfied. In the case of M. E. Calinhan, adminfor \$1,700 rendered against the plaintiff istrator of the estate of W. E. Jones, de-and in favor of Clarke, Eldradge & Co. in ceased, vs. Harvey Herdy, Commissioner 1891. The grounds upon which the plain- Norrell having rendered a judgment intersperced. against the defendant for \$37 for rents which he was alleged to have collected to plaintiff's use as agent, an execution was issued yesterday. The officer immediately levied upon a rate in Mr. Hardy's office, but the gentleman told him that the safe belonged to his partner, and further stated that he had \$5,000 in the Commercial National bank, which ought to be good for the payment of the execution. The officer then garnisheed the bank, but they answered that after the amount which Hardy owed them was deducted from his deposit there was nothing left. Thus the matter stands. tiff seeks to have the deeds cancelled are against the defendant for \$37 for rents

Judge Zane will give his attention to motions and other short orders in the Third district court to-day.

B. Springer was sworn in as a balliff of the Third district court yesterday.

Kelly & Co. have begun suit against the Carlton Town Lot and Resort company to collect \$162,20 on a promissory note in Justice Gee's court.

Spencer, Bywater & Co. are suing G. F. Rhodes in Justice Gee's court to collect \$185,81 on a promissory note.

Angrew Frazier began suit against F. M. Benedlet in the Third district court and which threaten to take the place of public dances.

before Judge Gee yesterday morning and of the Central school arrived at their was held in the sum of \$500. Not being place of labor a genuine "surprise" in

when the latter attempted to eject him according to defendant 'scross-complaint, and rendered a judgment in favor of fore-closure for the plaintiff, with attorney's lee as provided.

In the case of George M. Scott & Co. vs. Frank Monroe a motion to vacate the order resulting execution issaed previously by United States Commissioner Part, was argued and abbuilted.

A. Y. Graham, on a charge of grand larceny, entered a plea of not guilty, and condended and the condended previously by United States Commissioner Part, was argued and abbuilted.

Walter O. Sawyer, decembed, was referred of Judge Zane, being an uppeal from Judge Bartch while judge of the probate court.

In the case of the Pacific Lamber and Bailding company vs. Frank Monroe et al., the partise thereto appeared in court, waived the findings of the referee, and judgment was entered against Frank Monroe for the amount prayed. The case of the appeal and the continuity of the catendary owing to the fact that Judge Anderson, counsel for the defendant, was called to Colorado on important business.

\*\*REFORE JUDGE ZANE\*\*

W. L. Douglas et al. vs. George A. Aldeer et al., denurer of Union National bank sustained, demarrer to complaints in intervention sustained and motion requiring intervenors to give bond denied. United States vs. Nicholas Groesback, charged with unlawful cohabilation; dismissed on motion of the definition; dismissed on motion of the district attorney, in the case of the case of the correct of Union National bank sustained, demarrer to complaints in intervention sustained and motion requiring intervenors to give bond denied. United States vs. Nicholas Groesback, charged with unlawful cohabilation; dismissed on motion of the definition of the probate control of the probate court. The control of the probate court is a control of the definition of the probate court is a control of the probate court. The control of the probate court is a control of the probate court. The control of the probate court is a control of the probate court. The control

Carrie Simpson (colored) pleaded guilty to a charge of drunk and was fixed \$5, as was also J. Engel for the same misde-

The Ludies.

Pronounce Cocona Cream the best of all tollet creams to promote the beauty of the akin, and gentlemen find it excellent after shaving. Everyone should have a bottle, as it is very fragrant and effective in keeping the akin soft, white and beautiful. Only 50 cents a bottle. For sale by Godbe, Pitts & Co., and J. B. Farlow.

We are clearing a lot of ladies' and misses' hoods and fascinators, ranging in price from \$1 to \$2.50. You can have your cincies for 50 cents each at People's Equitable Co-op, 7 and 9 Main street.

The American Fire Insurance company of Philadelphia will insure you against fire.

H. J. GRANT & Co., Agents.

HAPPENINGS IN UTAH.

Various Matters of Interest Occurring

in Her Cities and Towns.

Movements of People and What They Are Doing-Partles, Gatherings, Receptions, Etc.

Mrs. Samuel Schwab gave a party Wednesday evening to celebrate her wooden wedding, to which a goodly number of society ladies were invited. A de-Palton Arrested.

Albert Dalton, who has been wanted and after this had been disposed of the for several days past on the charge of guests were happily entertained with Divorce Case Not Yet Confirmed

Other Court News.

Thursday evening. He was taken before Commissioner Norrell and released on his own recognizance. It is not likely that the case will come to trial though, as Mrs. Daiton had refused to tell the officers where her husband was, a few hours ougs Barten yesierday and is perhaps prior to his arrest.

This case of John M. Young vs. A. T. Clark, chroeder et al. was taken up before udge Barten yesierday and is perhaps prior to his arrest. Jones, Major Berry, John Pike, F. F. Bee, R. H. Dodd, M. L. Todd, G. A.

Bee, R. H. Dodd, M. L. Todd, G. A. Dusenberry, E. A. Wedgewood, Harry Edwards, Underhill, Dennison, Havercamp, Miss Edith Bee.

On Monday evening Miss Rose Moore gave a high-five party. The guests were: Mr. and Mrs. George Havercamp, Mrs. Ed Olson, Miss Daisy Moore and Dallas Dodd. Luncheon was served and music intersperced.

intersperced.
The same evening the Masons, with a contingent from Sait Lake, banquetted at Dodd & Deal's restairant.
Many have been filled with expectancy over the Woman's club ball, which event is to take piace at the opera house this evening. The committees in charge of the affair are as follows:

evening. The committees in charge of the affair are as follows:

Arrangements—Mrs. Atkin, Mrs. Mattie Nelson, Mrs. D. D. Houtz.

Invitation—Mrs. Taylor, Mrs. Sutherland, Mrs. E. A. Wilson, Mrs. E. Parker, Mrs. Atkin, Mrs. McBride, Reed Smoot, L. Holbrook, George Sutherland.

Refreshments—Mrs. John Pike, Mrs. Annie Young, Mrs. Chaik, Mrs. E. A. Wilson, Mrs. Mrs. Cragan, Mrs. Chaik, Mrs. E. A. Wilson, Mrs. Many Claff.

Decoration—Mrs. Tarner, Ed Parker, Will Irvine, Adice Noyce, Mrs. Rose Young, Herbert Pine, Brig Smoot.

Reception—Mrs. Abloch. Mrs. Stone, Ventes Pike, Edith Beck, Dr. Huff, Mrs. Huff, Brig Smoot, Nerva Wilkins, Flower Booth—Mrs. Berry, Mrs. Sutherland, Bealeh Bachman, Ida Dusenberry. Booths are to be stationed in various parts of the hall with refreshments of every description.

Arrangements are being perfected for a grand ball by the Daughters of Rebecca, which will take place at the I. O. O. F. hall, located in the new Reed Smoot building. The date is Friday, Feb. 3. Profssor Cline and Glies' orchestra will supply the music.

Mr. and Mrs. Gibbons of Rock Port,

erry under a legal title.

Upon these grounds the plaintiff asize that the deeds from the marshal to the defendant be canceled and the percent and the the defendant of the control of the property in any brought against A. T. Schroeder and Frank B. Stephens, but some time ago the latter compromised with the plaintiff and the suit was dismissed as to thim, leaving Mr. Schroeder to light it as the defendant's interest in the property in question is worth 140,000 or any other sum to exceed \$8,000, and that it was necessary for the validity of the said to transport to specify what the plaintiff is interest in the property in solling at an execution sale the judgment detion's interest in a specific portion of a large retract of land in the western part of the plaintiff values at Eight of the city, alleged to be worth \$5,000, and a lot street, which the plaintiff values at Eight of the city, alleged to be worth \$5,000, and a lot street, which the plaintiff values at Eight of the city, alleged to be worth \$5,000, and a lot street, which the plaintiff values at Eight of the city, alleged to be worth \$5,000, and a lot street, which the plaintiff values at Eight of the city alleged to be worth \$5,000, and a lot street, which the plaintiff values at Eight of the city alleged to be worth \$5,000, and a lot street, which the plaintiff values at Eight of the city alleged to be worth \$5,000, and a lot street, which the plaintiff values at Eight of the city alleged to be worth \$5,000, and a lot street, which the plaintiff values at Eight of the city alleged to be worth \$5,000, and a lot street, which the plaintiff values at Eight of the city alleged to be worth \$5,000, and a lot street, which all th

Preventing Fature Misery.

If there is, in this vale of tears, a more prolific source of misery than the rheumatte twinge, we have yet to hear of it. People are born with a tendency to rheumatism, just as they are with one to consumption or serofula. Slight causes may develop this. As soon as the agonizing complaint manifests itself, recours should be had to Hostetter's Stomach Bitters, which checks its further inroads and banishes the rheumatic porson from the system. This statement tailies exactly with the testimony of physicians who have employed this fine blood depurent in their private practice. There is also the amplest professional and general testimony as to the efficiency of the Bitters for malaria, liver complaint, constipation, indigestion, kidney trouble, nervousness and loss of appetite and fiesh. After a wetting, whether followed by a cold or not, the Bitters is useful as a preventative of the initial attack of rheumatism.

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